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6 Attorney for Plaintiff,
NACIO SYSTEMS, INC.

7
8 **UNITED STATES DISTRICT COURT**
9 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

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11 NACIO SYSTEMS, INC.) Case No.: C 07 3481 PJH
12 a Nevada corporation,)
13 Plaintiff)
14 v.) **DECLARATION OF MIKOL WESTLING IN**
15 HERBERT GOTTLIEB, an individual;) **SUPPORT OF:**
16 SWIDENT, LLC, a California Limited) **1) PLAINTIFF'S APPLICATION WITHOUT**
liability corporation,) **NOTICE FOR TEMPORARY RESTRAINING**
17 Defendants) **ORDER RE PRESERVING EVIDENCE ; AND**
18) **2) PLAINTIFF'S SECOND APPLICATION**
19) **FOR TEMPORARY RESTRAINING ORDER**
20) **RE COPYRIGHT INFRINGEMENT AND**
21) **SHORTENING TIME FOR LIMITED**
22) **DISCOVERY**
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2 I, Mikol Westling, say,

3 1. I have personal knowledge of the facts set forth below and could competently testify
4 to them if called upon to do so.

5 2. I am the Director of Operations Nacio Systems, Inc. ("Nacio") and have been since
6 April 2, 2005. In that capacity I worked with Herb Gottlieb while he was a Nacio employee.

7 3. It was our practice to keep a copy of the source code for the GASP software in a safe
8 in Mr. Gottlieb's office. That safe also contained a copy of the Registration Key generator software
9 that created valid registration keys for paying customers to unlock the evaluation copies of GASP
10 that potential clients could download from our website. I have personally witnessed Mr. Gottlieb
11 placing copies of the source code in the safe in his office when a new build or copyrighted version of the
12 software was created in the form of a compact disk (CD). In most cases, when not in use, the safe door
13 was closed. When in use, the door was open and I on more than one occasion saw CD's, tapes, and
14 documents in the safe.

15 4. When Mr. Gottlieb left in March 2006 the safe left with him. I was not aware that he
16 was taking it, but realized the safe was gone after he left.

17 5. I have reason to believe that Mr. Gottlieb has an exceedingly volatile personality. I
18 have serval times witnessed him speaking with an employee in front of a group in a situation in
19 which he changed, in an instant, from a reasonable manager discussing a problem to someone
20 screaming at the employee in tones and terms that I did not believe were remotely warranted. I saw
21 this behavior, not as evidence of an intense management style, but of an inability to either recognize
22 what was appropriate or control his behavior.
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1 I declare under penalty of perjury under the laws of the United States that the foregoing is
2 true and correct and that this declaration was signed in Novato California on July _____, 2007

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4 _____
5 Mikol Westling
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Sent By: Nacio Systems ;

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Page 2/2

1 I declare under penalty of perjury under the laws of the United States that the foregoing is
2 true and correct and that this declaration was signed in Novato California on July 13, 2007

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5 Mikol Westling
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